IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 8TH FEBRUARY 2007 / 19TH MAGHA 1928

OP.No. 23982 of 2002(E)

PETITIONER:

VISWANATHAN, KALLUPURAKKAKATHU HOUSE,
POONJAR NADUBHAGOM VILLAGE, MEENACHIL TALUK,
KOTTAYAM DISTRICT

BY ADV. SRI.P.BABU KUMAR

RESPONDENTS:
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1. DISTRICT COLLECTOR, COLLECTORATE,
KOTTAYAM.

2. THE TAHASILDAR, MEENACHIL TALUK,
PALA P.O.

3. TODDY WORKERS WELFARE FUND INSPECTOR,
KOTTAYAM.

R1&2 BY GOVERNMENT PLEADER SMT.SMITHA
R3 BY ADV. SRI.A.K.JOHN, SC, KTWWF BOARD

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 08/02/2007, THE COURT ON 08/02/2007 DELIVERED THE FOLLOWING:

ORDER ON C.M.P. NO.40682/2002 IN O.P. NO.23982/2002

DISMISSED:

8.2.2007 SD/-(C.N.RAMACHANDRAN NAIR, JUDGE.)

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE PHOTOCOPY OF THE ASSESSMENT ORDER PASSED BY R3 DT.30.6.2000.

P2: .DO. .DO.

P3: .DO. DT.30.12.2000.

P4: .DO. .DO.

P5: TRUE PHOTOCOPY OF SALE NOTICE ISSUED BY R2 DT.20.6.2002.

P6: TRUE COPY OF REPRESENTATION SUBMITTED BY PETITIONER TO R3 DT.8.8.02.

P7: TRUE PHOTOCOPY OF THE ASSESSMENT SALE NOTICE ISSUED BY TAHSILDAR, MEENACHIL TO THE PETITIONER DT.NIL.

TRUE COPY

P.S. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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O.P. No.23982 of 2002

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Dated this the 8th day of February, 2007.

JUDGMENT

The O.P. is filed challenging revenue recovery proceedings on the ground that demand is excess. Standing Counsel for Toddy Workers Welfare Fund Board submitted that in the counter affidavit third respondent has admitted the mistakes. In the circumstances, O.P. is disposed of directing the third respondent to modify the demands after hearing the petitioner within three weeks from the date of production of copy of this judgment. Revenue recovery proceedings will remain stayed for two months from now and thereafter recovery will be based on revised demand raised as above.

C.N.RAMACHANDRAN NAIR
Judge

pms